

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:	:	Chapter 11
	:	
JOHN VARVATOS ENTERPRISES, INC.,	:	Case No. 10-11043 (MFW)
ET AL.,	:	
	:	
Debtors.	:	
	:	
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TESSA KNOX, Individually and as the	:	
Certified Representative of the Class of	:	
Judgment Creditors,	:	
	:	
Appellants,	:	
	:	
v.	:	C. A. No. 20-937-CFC
	:	
LION/HENDRIX CAYMAN LIMITED,	:	
	:	
Appellees.	:	

RECOMMENDATION

At Wilmington this **19th** day of **August, 2020**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process.

Although the parties have not engaged in formal mediation, they have attempted to resolve the dispute. As a result the parties do not believe that mediation would be

productive, particularly in light of their views regarding the merits of this appeal

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. No objections to the Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1. are anticipated since it is consistent with the parties' request.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng
Chief U.S. Magistrate Judge